

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KENNEDY FUNDING, INC.,

Plaintiff

v.

**RUGGERS AQUISITION AND
DEVELOPMENT, LLC. ET AL.**

Defendants

Civil Action No. 07-669(FSH)

JM REALTY & INVESTMENTS,

Plaintiff

v.

KENNEDY FUNDING, INC.,

Defendants

Civil Action No. 07-218(FSH)

This matter having come before the Court by way of submission dated November 29, 2007, regarding the scope of the Valley National subpoena and Vally National's response;

and the Court having conducted a telephone conference on the record;

and the Court having considered the arguments and representations of counsel for the parties and Valley National;

and for the reasons set forth in the Order dated November 12, 2007 and on the record on December 5, 2007;

and for good cause shown

IT IS ON THIS 5th day of December, 2007

ORDERED that the subpoena served by Ruggers shall be modified as follows: no later than **December 17, 2007**, Valley National Bank shall produce documents that reflect the funds available under the line of credit for the period October 1, 2006 through November 11, 2006, state whether or not access to these funds was unconditional and, if there were conditions that needed to be satisfied before the line of credit could be drawn upon, then produce documents that reflect any conditions that must be satisfied before one could draw on the line of credit.; and

IT IS FURTHER ORDERED that counsel for Kennedy Funding shall provide counsel for Valley National with a copy of this Order.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE